

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JEFFREY S. ROBERIO,

Petitioner,

v.

TIMOTHY HALL,

Respondent.

Civil Action No. 03-12624-DPW

ANSWER

Pursuant to Rule 5 of the Rules Governing Section 2254 Cases, respondent, through counsel, answers the numbered paragraphs of the petition for writ of habeas corpus as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
- 9(a)-(c). Admitted.
- 9(d). Admitted.
- 9(e). Left blank by petitioner.
- 9(f). Left blank by petitioner.

10. Admitted.

11 (a)(1). Left blank by petitioner.

11 (a)(2). Left blank by petitioner.

11 (a)(3). Left blank by petitioner.

11 (a)(4). Left blank by petitioner.

11 (a)(5). Left blank by petitioner.

11 (a)(6). Left blank by petitioner.

11 (b)(1). Left blank by petitioner.

11 (b)(2). Left blank by petitioner.

11 (b)(3). Left blank by petitioner.

11 (b)(4). Left blank by petitioner.

11 (b)(5). Left blank by petitioner.

11 (b)(6). Left blank by petitioner.

11 (c)(1). Left blank by petitioner.

11 (c)(2). Left blank by petitioner.

11 (d). Left blank by petitioner.

12A (Ground one). The respondent denies each and every allegation of fact contained in paragraph 12A of the petition for writ of habeas corpus. Answering further, the respondent states paragraph 12A contains conclusions of law that require no response. Further answering, the respondent states that petitioner has failed to state a claim upon which relief can be granted.

12B (Ground two). Left blank by petitioner.

12C (Ground three). Left blank by petitioner

12D (Ground four). Left blank by petitioner.

13. Left blank by petitioner.

14. Respondent states that he lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the petition for writ of habeas corpus and calls upon petitioner to prove same.

15 (a). Left blank by petitioner.

15 (b). Left blank by petitioner.

15 (c). Admitted

15 (d). Admitted.

15 (e). Admitted.

15 (f). Left blank by petitioner.

15 (g). Left blank by petitioner.

16. Admitted.

17. Respondent states that he lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the petition for writ of habeas corpus and call upon petitioner to prove same.

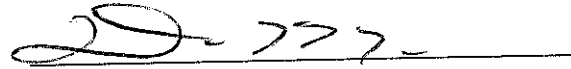
18. Respondent also files a Supplemental Answer which contains the following documents:

- (1) Brief of Appellant, *Commonwealth v. Jeffrey Roberio*, Supreme Judicial Court No. 08456;
- (2) Brief for the Commonwealth, *Commonwealth v. Jeffrey Roberio*, Supreme Judicial Court No. 08456;

FIRST AFFIRMATIVE DEFENSE

19. Petitioner has failed to state a claim upon which relief can be granted.

Respectfully submitted,
THOMAS F. REILLY
ATTORNEY GENERAL

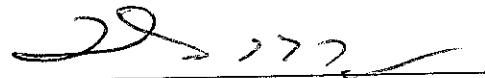


Dean A. Mazzone
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Dated: April 22, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the petitioner, pro se, on April 22, 2004, by depositing the copy in the office depository for collection and delivery by first-class mail, postage pre-paid, addressed as follows: Jeffrey S. Roberio, pro se, 1 Administration Road, Bridgewater, MA 02324.



Dean A. Mazzone